

TRANS ENERGY, INC., et al. v. EQT PRODUCTION COMPANY 6/28/2012 WOODBURN, MARK D.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TRANS ENERGY, INC., a :
Nevada Corporation; :
REPUBLIC PARTNERS, VI, LP, :
a Texas limited partnership; : CIVIL ACTION NO.
REPUBLIC ENERGY VENTURES, : 1:11-cv-00075
LLC, a Delaware Limited :
Liability Company; and :
PRIMA OIL COMPANY, INC., a :
Delaware Corporation, :
Plaintiffs, :
v :
EQT PRODUCTION COMPANY :
A Pennsylvania Corporation, :
Defendant. :

* * *

Deposition of Mark D. Woodburn

Thursday, June 28, 2012

* * *

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1 A. Yes.

2 Q. Is there a separate document for that
3 transaction from Prima Oil to Trans Energy -- I'm
4 sorry, from Prima Oil to Trans Energy?

5 A. I misspoke in fact that Prima Oil is a
6 subsidiary of Trans Energy.

7 Q. So, Prima Oil's acquisition is actually
8 the same as Trans Energy's acquisition of the
9 leasehold?

10 A. I would characterize it that way, yes.

11 Q. My understanding is that Republic Partners
12 and Republic Energy Ventures are separate and apart in
13 terms of corporate entities from either Trans Energy
14 or Prima Oil, is that an accurate understanding?

15 A. That is my understanding.

16 Q. Was Prima Oil's acquisition of the
17 Blackshere lease part and parcel of a larger
18 acquisition?

19 A. Yes.

20 Q. Let's go back to this conversation that
21 you had with your father and is it Mr. Bagley, I'm
22 sorry?

23 A. Correct.

24 Q. You say it was in 2010 that you're having

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1 company and I am entitled to ask about any and all
2 knowledge held by the company.

3 That's what I'm doing.

4 MR. LEWIS: You still can't breach
5 the attorney/client privilege.

6 MS. LYONS: It's not privilege if
7 it's a fact.

8 MR. LEWIS: It is privileged if it
9 --

10 MS. LYONS: Only if it's an opinion.

11 MR. LEWIS: It's privileged if it's
12 an opinion. You are asking him what he said.

13 MS. LYONS: What he said as fact.

14 MR. LEWIS: Can you please restate
15 the question.

16 BY MS. LYONS:

17 Q. In your conversation with Mr. Starkey,
18 which you have already given testimony on, so there
19 would be an argument if there was privilege, it's
20 waived, did he indicate that there had been
21 conversations that he was aware of that there was a
22 division in the gas and oil rights with regard to the
23 Blackshere lease?

24 A. No.

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1 Q. What exactly did he say was this legend
2 and lore regarding the division of interest under the
3 lease?

4 A. In certain counties in West Virginia, and
5 certain leases in those counties, there was a
6 separation of the oil and gas rights on certain
7 leases.

8 Q. Did he identify Wetzel County?

9 A. No.

10 Q. Why was it important for you to determine
11 the scope of that agreement in 2008?

12 A. In my capacity, in my employment, I felt I
13 had an obligation to investigate.

14 Q. The legend and lore that he referred to
15 you?

16 A. Correct.

17 Q. Because Trans Energy held certain
18 leaseholds in that portion of the state?

19 MR. LEWIS: Object to form.

20 BY MS. LYONS:

21 Q. That's a question.

22 Is that why you felt it was your
23 responsibility to investigate?

24 A. Yes.

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1 Q. Did Mr. Starkey identify any particular
2 leases that may be at issue that Trans Energy or Prima
3 Oil held an interest in?

4 A. No.

5 Q. How did you come to reach out to
6 Mr. Nicholas at Dominion with regard to obtaining
7 these documents?

8 A. As I recall, I simply called a phone
9 number and asked to speak to a person who would have
10 knowledge of such documents.

11 Q. Did you have any pre-existing professional
12 relationship, collegial, professional relationship
13 with Mr. Nicholas?

14 A. No.

15 Q. Did you have any subsequent contact with
16 him after receiving these documents?

17 A. Not that I recall.

18 Q. Did you have any subsequent contact with
19 anyone at Dominion regarding these documents?

20 A. Not that I recall.

21 Q. Did Trans Energy have any subsequent
22 contact with Dominion regarding these documents or the
23 potential division of the oil and gas estates under
24 certain leases?

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1 A. To the best of my knowledge, no.

2 Q. What did you do with these documents once
3 you obtained them?

4 A. I read them.

5 Q. What did you note about the documents as
6 you read them?

7 A. I had asked for Wetzel County, and those
8 were non-existent. And he sent a copy of documents
9 relating to Gilmore County.

10 Q. Why did you specifically ask for Wetzel
11 County?

12 A. That was Trans Energy's primary leasehold
13 acreage was in Wetzel County.

14 Q. Was the Blackshere lease Prima Oil's
15 primary leasehold in Wetzel County?

16 A. The Blackshere lease is located in Wetzel
17 County.

18 Q. You said that the company's primary
19 holdings were in Wetzel County. My next question is
20 is that the Blackshere lease or are there other
21 holdings in Wetzel County?

22 A. There are other holdings in Wetzel
23 County.

24 Q. What are those other holdings?

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